

UCLA Faculty Association

News and opinion from Dan Mitchell since 2009

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Monday, July 15, 2024

It's a long time from May to December

Title VI cases have been filed at the Office of Civil Rights, US Dept. of Education in connection with the various campus protests around the country, and including at UCLA.

Apparently, apart from those specific cases (including at UCLA), a new general policy is being formulated that is due in December, which happens to be after Election Day. Back in May, the Secretary of Education requested more money from Congress for enforcement. From [Higher Ed Dive](#):

...OMB's regulatory update also shows new deadlines for other education policy areas, including racial discrimination and special education protections.

The Education Department has set a December 2024 deadline for releasing a proposed Title VI rule on protecting students from discrimination based on shared ancestry or ethnic characteristics, in addition to other forms of racial discrimination. The department's attention to including shared ancestry under Title VI protections predates the latest Israel-Hamas war, but has increased in the wake of it.

"In this area, OCR has received complaints of harassment and assaults directed at Jewish, Muslim, Hindu, and other students based on their shared ancestry or ethnicity," the update says.

Since October 2023 when the Israel-Hamas war began, the department has warned school districts of a growing number of Title VI complaints born out of antisemitic, Islamophobic, anti-Palestinian or anti-Israeli incidents. The high caseload related to these civil rights complaints, handled by the Office for Civil Rights, even contributed to the secretary's request to Congress for more OCR funding in May...

Full article at <https://www.k12dive.com/news/title-ix-athletic-rule-delayed-2025-spring-2024-agenda/720854/>.

It's a long time from May to December, and if this news doesn't bring music to your heart, here's a tune:



Or direct to https://www.youtube.com/watch?v=0ioI_qlhR6o.

Posted by California Policy Issues at [3:00 AM](#) No comments:

Labels: [diversity](#), [politics](#), [UCLA](#)

Sunday, July 14, 2024

More Berkeley Arson

A report suggests that some of the arson incidents at Berkeley are related to events at UCLA and Santa Cruz.

The Council of UC Faculty Associations

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- Union Letter to UC with Benefits Demands
- We Oppose Deprofessionalizing Librarians
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Remaking the University

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From **KQED**: *The person accused of carrying out a string of arson attacks at UC Berkeley will be transferred to federal custody to face federal charges in the next week, according to their attorney. Casey Robert Goonan, 34, was arrested in connection with four arson attacks — including the firebombing of a police vehicle — on the university's campus last month. Pro-Palestinian activists have claimed responsibility*

for the attacks in online posts. Goonan was initially charged in Alameda County with multiple counts of arson and the possession and use of destructive devices... On Tuesday, the Alameda County District Attorney's Office said that the United States Office of the Attorney General had taken over prosecution of Goonan, though the details of the federal case are unknown because it is sealed...

Cal Fire's announcement of the charges last month did not elaborate on the details of the arson attacks aside from mentioning the firebombing of a UC Berkeley Police Department vehicle, but daily campus police logs report suspected arson at a construction site near the Dwinelle Annex on June 16 and two additional suspected arson attacks earlier in the month — outside Koshland Hall on June 13 and at the C.V. Starr East Asian Library on June 1.

Unidentified pro-Palestinian activists have claimed responsibility for the string of fires through anonymous posts on the website Indymedia.com. A post published under the name "marilyn's daughters" said they set the fire at the construction site near Dwinelle Annex as part of a weeklong effort "in retaliation for [University of California police]'s violent assaults on vulnerable student demonstrators," citing incidents at UCLA and UC Santa Cruz.

The post also claimed responsibility for the firebombing of a UCPD vehicle; the "burning of dry grass hills," similar to the arson described in a June 2 campus warning regarding the fire at the C.V. Starr library; and "torching a building on the perimeter of campus," which fits the description of Koshland Hall. Under the name "student intifada," another post claimed responsibility for the fire shortly after midnight on June 13, though it did not identify the location. It said that the attack was in response to an altercation between campus officials and UCLA student protesters on June 10, referencing the arrest of a young woman with a megaphone that was caught on video and spread widely on social media. The post called on the UC system to "divest from Israel or face our wrath of revenge."

On Tuesday, another fire was started on the roof of UC Berkeley's Golden Bear Cafe, located at the end of the campus' student center. University spokesperson Janet Gilmore said that UCPD detectives are investigating it as arson but that the "case does not appear to have any connection to the June arson series."

Full story at <https://www.kqed.org/news/11993446/uc-berkeley-firebomb-suspect-to-face-federal-charges-within-days-attorney-says>. See also <https://sfstandard.com/2024/06/18/casey-goonan-uc-berkeley-arson-suspect/>.

Posted by California Policy Issues at [3:30 AM](#) No comments:

Labels: [UC-Berkeley](#), [UC-Santa Cruz](#), [UCLA](#)

Class Recordings

Back in winter 2022, yours truly included the following statement in a course syllabus:

California Education Code Section 78907

The use by any person, including a student, of any electronic listening or recording device in any classroom without the prior consent of the instructor is prohibited, except as necessary to provide reasonable auxiliary aids and academic adjustments to disabled students. Any person, other than a student, who willfully violates this section shall be guilty of a misdemeanor. Any student violating this section shall be subject to appropriate disciplinary action. This section shall not be construed as affecting the powers, rights, and liabilities arising from the use of electronic listening or recording devices as provided for by any other provision of law.

Source: <http://codes.findlaw.com/ca/education-code/edc-sect-78907.html>

This provision is reprinted because our guest speakers volunteer to participate in the class. They do not consent to have their remarks recorded or circulated on social media. So please do not record them. You ARE free to record presentations by the instructor. [The instructor] may record his own presentations to the class and may make the recordings available.

If the class is in-person and a student is in quarantine, special arrangements will be made.

=====

Readers may recall that in winter 2022, part of the quarter was online due to a COVID uptick and part was in-person. So, despite the statement, the prohibition on recording guest speakers was totally unenforceable during the remote part of the class and largely unenforceable during the in-person part. Given the fact that cellphones can record and audio recorders are nowadays very small, unlike the machine shown in the image, I might not know recording was occurring even in an in-person setting.*



Back in the day.

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Still, I hoped that making the request - which was also made orally during the first class of the quarter - would prevent recording.

The statement above includes a proviso exempting recording by disabled students. Such a student, say one with a hearing problem, would not be violating the education code by recording. And, more generally, instructors are supposed to accommodate students with disabilities. But what would happen if a UCLA instructor were to take the position that audio recording (or some voice-to-writing software program that would make a word-for-word transcript) was forbidden and that even disabled students could not use such a device or program? [Inside Higher Ed](#) has that story:

Students in Susanne Lohmann’s small seminar classes at the University of California, Los Angeles, debate inflammatory topics, including transgender rights, the Israel-Palestine conflict and the fracas on college campuses over that conflict. This past spring she taught two classes called Radical Disagreement and Global Catastrophic Risk: The Clash of Science, Politics and Ethics, both of which partly focused on Israel and Palestine.

At a conference last month hosted by Heterodox Academy, an organization that promotes viewpoint diversity in higher education, Lohmann gave an example of the kinds of controversial debates her classes include. “There are solutions to the Israel-Palestine conflict—one state, two state—but it turns out the people on the ground actually prefer the two ethnic cleansing solutions,” Lohmann said in her presentation, pointing to public opinion polls, arguments that Israel is an illegitimate state and the Israeli settler movement. One side contends that the region should be free of Jews, and the other side says it should be free of Palestinians, Lohmann said, “and so these two solutions need to be articulated and argued in my class.”

Lohmann, a political science and public policy professor, said she wants to keep what students say in her classes from getting out into the wider world—“What happens in Vegas, stays in Vegas,” as she puts it. She said that for years she had complained to her university about students recording audio of her classes, even those who had a disability accommodation allowing it. She told Inside Higher Ed that her students need to be able to take even extremist positions on morally charged or politically controversial issues without fearing their speech “will come to haunt them” outside the classroom.

Audio-recording accommodations have grown more common, and by 2020 it was usual to have three students with audio-recording accommodations in a class of 20, Lohmann said. Subsequently she learned about the transcription software called Otter, which uses artificial intelligence to transcribe audio into written notes.

Lohmann said she became concerned about the possible privacy and commercial exploitation threats that Otter—which, for example, uses human speech to train its AI—posed for students who didn’t consent to being recorded. Others in higher education have also expressed concerns about AI recording. (An Otter spokesperson, in an emailed statement, said, “We believe transparency is important to all meeting participants, and as such, users should always ask for consent and indicate when they are recording and transcribing conversations with others.”)

As she was writing her syllabus for the winter 2022 quarter and preparing to write to the university’s Center for Accessible Education (CAE) to complain yet again, she said a solution occurred to her in an “epiphany.” She wrote into her syllabus that she would fail students who recorded other students, even if they had a disability accommodation.

“The associated grading scheme applies to CAE-registered students as well,” Lohmann wrote. Students were free to record her, she said, unless they used Otter. The students had the legal right to have an audio-recording accommodation, she determined, but she had the academic freedom to fail them for using it. The CAE “pretty much went ballistic,” Lohmann said, but the university eventually gave in.

She said that when her ban first went into effect, she pointed it out to a UCLA disability specialist who had approved a student’s audio-recording accommodation. The specialist replaced the accommodation with a peer note taker, another student who took notes in the class for the student with the accommodation.

Now, she says, UCLA allows her to write into her syllabi that the director of the university’s Center for Accessible Education “has determined that audio recording is unreasonable and inappropriate for the course.” This is accompanied by a statement saying, “CAE students are asked to work with their disability specialist to determine notetaking supports that do not involve audio recording.” Lohmann said she’s yet to give out an F under her ban, as she’s yet to catch a student recording...

Full story at <https://www.insidehighered.com/news/faculty-issues/academic-freedom/2024/07/10/fs-recording-class-even-students-disabilities>.

Note that if someone did violate the no-record/no-transcript policy and put the result on social media, actual detection of who it was might be very difficult. If the course has been successful in allowing student debate, surely it is because students think the risk is low that someone would record and post, not because they think the risk is zero.

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*Yours truly owns an earlier version of the machine shown in the picture, bought in 1960, which still works (somewhat), vacuum tubes and all.



Nowadays.

UCLA can be as neutral as the rest of them

Shifting Into Neutral: It's a Thing! - Part 2

Yale's Committee

Didn't want to let this issue slide

Numbers & Ratios - We Report; You Decide

9-11-01 at UCLA

Shifting Into Neutral: It's a Thing!

The times they are a'changing - Part 6

Take Us Out of the Ball Game

Water with the Guv

Upcoming Regents Agenda: Sept. 18-19, 2024

Updated Subway Construction

Unclear - Part 2

Berkeley Chancellor Interview: Institutional Neutrality

Well, I'm sure I could write something...

What will the fall rules be? - Part 2 (Now we know)

The Great Santa Cruz Panic of '24

The Senate Wants to Be In (or maybe near) the Room...

Regents Special Retreat: Wednesday-Thursday

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Some UC-Retirement Programs for September

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Burnout

Artwork for Westwood/VA Subway Station

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Contributors

- California Policy Issues
- Toby Higbie
- UCLA Faculty Association

Posted by California Policy Issues at 3:00 AM No comments:

Labels: diversity, health care, UCLA

Saturday, July 13, 2024

Departmental Statements



When the Regents meet this coming week, one of the more controversial action items is adoption of a systemwide policy on departmental political statements. These are statements on controversial issues that purport to be the thinking of the entire unit or department.

This item has been deferred from meeting to meeting until now and was previously designated J1. It is now J2 on July 17th. At each round at the Regents, there have been modifications. Some of the

modifications reflect guidelines and advice from the Academic Senate that involve insertion of cautionary or qualified language regarding the procedure by which the statement was composed and a note that the statement is not the official position of the university. The Regents item notes that despite the Senate's guidelines, few departments have actually followed them.

The Regents item also focuses on what has been called the landing page of the department in question, i.e., the first website page someone searching for Department X is likely to end up. Its focus is what can be on the landing page. It allows links on that page to other sub-pages that may contain controversial statements. The language of the proposed item would presumably have no effect on department statements that were made elsewhere, i.e., in tweets or other social media. It is not clear why the Regents are so focused on the format by which a statement that says Department X thinks Y is expressed, if the intent is make it clear that the statement is not the position of the university. That is, why would a casual member of the public who reads Department X thinks Y be more or less likely to mistakenly belief the statement is the official university position if it appeared in a tweet or an op ed or a sub-page than if it appeared on the landing page?

While you ponder that question, here is the text of what is now J2:

TO MEMBERS OF THE ACADEMIC AND STUDENT AFFAIRS COMMITTEE AND THE COMPLIANCE AND AUDIT COMMITTEE:

ACTION ITEM (J2)

For Meeting of July 17, 2024

ADOPTION OF REGENTS POLICY ON PUBLIC AND DISCRETIONARY STATEMENTS BY ACADEMIC UNITS

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[Note: We reproduce the basic text below. Footnotes and attachments are omitted. For those items, go to: <https://regents.universityofcalifornia.edu/regmeet/july24/j2.pdf>.]

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EXECUTIVE SUMMARY

In January 2024 the Regents proposed adopting a Regents Policy regarding the use of administrative websites to mitigate the potential that statements and opinions posted on University websites are not mistaken as the position of the institution itself. Subsequently, the Regents solicited and received comments by the Academic Senate and was apprised of a draft campuswide policy at UCLA on this subject; a new version was developed that incorporated elements of these materials. After discussion of that new version at the March 2024 meeting, the Regents sent a revised draft to the Academic Senate for further comment. The attached revised draft is responsive to these comments and is proposed for adoption by the Regents.

RECOMMENDATION

The Chair of the Compliance and Audit Committee recommends that the Academic and Student Affairs Committee and the Compliance and Audit Committee recommend to the Regents adoption of a Regents Policy on Public and Discretionary Statements by Academic Units, as shown in Attachment 1.

BACKGROUND

Freedom of speech is a fundamental value of the University of California, and the University is committed to protecting free speech and academic freedom as vital elements of a democratic society. The University affirms the right of academic freedom while also fostering an inclusive environment. However, individual or group statements on political or controversial issues that are posted on Units' websites and are unrelated to the Unit's day-to-day operations are likely to be interpreted by the public and the community as the University's institutional views, as opposed to individual or group speech.

The proposed Policy would provide that Units' main homepages of the Units' official University websites should be used only for information regarding the operations of that Unit (including communicating news and events related to faculty research, teaching and scholarship) and not to express the personal or collective opinions of Unit members. However, individual faculty members, groups of faculty, or Units could choose to express opinions on other pages of a Unit's website provided that statements made on behalf of the Unit must be consistent with procedures adopted by the Unit and must include a disclaimer that the opinions do not represent the official views of the University. It would not impose any restrictions on individual faculty members' University web pages or other channels of communications, such as faculty members' social media accounts.

Only one campus to date – UC Davis – has adopted a policy on University administrative websites. The Davis campuswide Policy and Personnel Manual includes a section to comply with the June 2022 Academic Senate recommendations on department political statements. It requires use of a specific disclaimer for political statements, the establishment of departmental procedures for approving political statements, and a prohibition on statements related to elections. In addition, the Los Angeles campus is considering adoption of a campuswide policy on Public and Discretionary Statements by Academic Campus Units. At the March joint meeting of the Regents Academic and Student Affairs Committee and Compliance and Audit Committee, UCLA Dean of Humanities Alexandra Stern presented an overview of UCLA's process in generating its draft policy and the policy's purpose and scope.

Following the March 2024, the Regents sent a revised draft Regents Policy on Use of University Administrative Websites to the Academic Senate for review and comment.

Academic Senate Review and Comment on March 20, 2024, Draft Regents Policy The Academic Senate submitted a letter on May 1, 2024 summarizing comments from its systemwide committees and divisions and discussion at the Academic Council's April 24 meeting. Overall, Senate bodies appreciated the revised draft's balanced approach, respect for unit autonomy while providing consistent University standards, and measures to protect minority opinions. The letter noted that the proposed Policy reflects the Senate's 2022 recommendations on department political statements, with the notable exception that the recommendations from the Senate are advisory and the proposed Regents Policy requirements are mandatory – i.e. if an Academic Campus Units chooses to issue discretionary statements, it must adopt procedures for the creation and dissemination of such statements in advance and that such statements explain whose views they represent. While the Senate expressed that it would prefer that the Regents simply endorse the advisory 2022 Senate recommendations, the letter provided suggestions for refining the draft Policy should it be considered for adoption by the Regents.

Many of the Senate comments in the May 1 letter regard lack of clarity of definitions and uncertainty over ways in which the Policy could be interpreted, including the treatment of links on a Unit's homepage. Senate bodies also asked for clarification that academic research relating to political events that could be viewed by some parties as contentious would not be classified as discretionary statements. Several Senate bodies criticized the lack of implementation guidelines provided in the draft item and expressed concern over the potential lack of consistency in enforcement throughout the University. Finally, the Senate would prefer that procedures for those Units that choose to issue discretionary statements be advisory rather than mandatory.

May 2024 Revision of Draft Regents Policy on Public and Discretionary Statements by Academic Units







In response to these comments, changes to the draft Regents Policy are proposed, as shown in Attachment 2. These include:

- Adding to the definitions of Public Statements and Discretionary Statements to clarify that statements about scholarly endeavors do not fall within the definition of Discretionary Statements.
- Deleting a sentence in the definition of Discretionary Statements that may have created a misimpression that any statement that could be viewed by some as controversial might be prohibited from appearing on a Unit's homepage even if relevant to the Unit's operations (e.g., commentary on the value of vaccines by a School of Public Health).
- Clarifying that links on an Academic Campus Unit's homepage to discretionary statements on University web pages are permissible.

Some of the Senate's suggestions have not been incorporated into the revised draft Policy. First, prior discussions of this subject among the Regents have made it clear that the Regents prefer the Policy to require that Units adopt a set of procedures if they seek to make discretionary statements. The Policy outlines a set of standards but does not impinge on the autonomy of Units to determine the procedures. Given that few Units or campuses have followed the June 2022 Academic Senate advisory guidance, this item proposes requiring common standards systemwide.

Second, several Senate bodies critiqued the lack of implementation guidelines that would provide consistency throughout the University. Per Regents Policy 1000, the function of Regents Policy is to set forth "broad statements supporting the purpose, principles and philosophy of the tripartite mission of the University as a guide for subsequent action. They communicate important, enduring systemwide governing principles rather than specifying operational details..." The proposed Policy communicates principles and a common set of standards but purposely does not dictate precisely how these standards should be operationalized. As noted, per Bylaw 31, the Chancellors are the executive heads of their campuses and are responsible for implementing the policies of the Board and the President. As such, it is expected that the President and Chancellors will confer regarding the dissemination of any policy, guidelines, or best practices needed to comply with the Regents Policy.

The Regents appreciate the Senate's nuanced responses and engagement with this Policy in a compressed timeline. These perspectives, as well as the Senate's prior work on this issue, informed the Regents Policy and demonstrate the strength of shared governance. The result is a Policy that balances academic freedom and individuals' freedom of speech with speech on behalf of the University and aims to ensure that the University provides an inclusive environment for the pursuit of inquiry.

Posted by California Policy Issues at [3:30 AM](#) No comments:      

Labels: [politics](#), [UC Regents](#)

[View from an Old-Timer](#)



The American Economic Association (AEA) is running a survey on the use of "social media" and whether such use is a Good Thing or a Bad Thing for the profession. As blog readers will know, economics in particular - but also other social sciences - has been concerned with an anonymous posting service called EJMR (economic job market rumors), which has included sexist, racist, and other objectionable content.*







Yours truly took the survey. At the end there was an opportunity for making comments about the survey itself, to which he responded.

Is there anything else you'd like to share with the Committee about the role of social media in our profession?

As noted in a prior answer, it is unclear if you are including email as "social media"? Much discussion occurs using email. I am old enough to remember when there was no such thing as email (or even Internet). It made a much bigger difference to academia than what you are probably calling "social media." Indeed, the switch to word processing from typewriters had a much bigger impact. Basically, these innovations led to an increase in productivity and faster communication. What you are probably calling "social media" - although they may seem dramatic - have had a much more marginal impact.

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*<https://uclafacultyassociation.blogspot.com/2023/09/toxic-poli-sci-toxic-sociology.html>.

Posted by California Policy Issues at [3:00 AM](#) No comments:      

Labels: [diversity](#), [miscellaneous](#)

Friday, July 12, 2024

The Missing Link









For blog readers who read our posts via Yousee Elaymeriti's Facebook page, the artificial intelligence (?) there removed one our posts from that source for some reason about violating standards. The post of July 11th is entitled "Not a Buried Lede but..."

Yours truly has appealed. In the meantime, readers who rely on

Facebook can see all posts at our Blogger address:

<https://uclafacultyassociation.blogspot.com/>.

Posted by California Policy Issues at [10:53 AM](#) No comments:      

Labels: [UCLA](#)

Coming Soon to UCLA (presumably)



The US Dept. of Education received complaints about many universities and colleges regarding events after last October 7th. UCLA was among them. Now the department has started to work through its caseload and is issuing decisions:

From [Inside Higher Ed](#): *The Education Department's Office for Civil Rights has settled with Brown University over the institution's*

handling of about 75 antisemitic or Islamophobic incidents reported between October 2023 and March 2024, the office announced Monday. OCR criticized Brown for failing to complete investigations and, in some cases, abandoning complaints when the complainant did not respond to the university's emails...

It's the latest settlement OCR has reached with a university over shared ancestry violations of Title VI since the Israel-Hamas war's onset. In agreements with City University of New York, the University of Michigan and Lafayette College, the office reported similar shortcomings, critiquing the institutions for subpar or inconsistent responses to complaints...

Full story at <https://www.insidehighered.com/news/quick-takes/2024/07/09/brown-reaches-settlement-title-vi-complaints>.

Posted by California Policy Issues at 3:30 AM No comments:



Labels: CUNY, diversity, Lafayette College, U of Michigan, UCLA

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